

From Assembly Bill 75

SEC. 14.

Chapter 8.5 (commencing with Section 10850) is added to Part 7 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 8.5. California Cradle-to-Career Data System Act 10850.

This chapter shall be known, and may be cited, as the California Cradle-to-Career Data System Act.

10851.

For purposes of this chapter, the following definitions apply:

(a) "Data system" means statewide data infrastructure that integrates data from various partner entities and supports the purposes identified in this chapter.

(b) "Director" means the Director of State Planning and Research, or the director's designee.

(c) "Partner entity" means an organization that can provide information to the data system to advance the purposes identified in this chapter and includes, but is not limited to, state entities responsible for elementary and secondary education data, entities responsible for early learning data, segments of public higher education, private colleges and universities, state entities responsible for student financial aid, childcare providers, state labor and workforce development agencies, and state departments administering health and human services programs.

(d) "Planning facilitator" means an entity with expertise in data governance, privacy, security, quality, reporting, and user-centered design.

(e) "Workgroup" means the California Cradle-to-Career Data System Workgroup established pursuant to Section 10853.

10852.

It is the intent of the Legislature in enacting this chapter to do all of the following:

(a) Build a data system to enable partner entities to share information in a manner that promotes data privacy and security.

(b) Design a data system that minimizes the need for new infrastructure, is adaptable, and is flexible to meet future needs.

(c) Serve students and families by doing all of the following:

(1) Identifying and tracking predictive indicators to enable parents, teachers, health and human services providers, and policymakers to provide appropriate interventions and supports to address disparities in opportunities and improve outcomes for all students.

(2) Creating direct support tools for teachers, parents, advisors, and students.

(3) Enabling agencies to plan for and optimize educational, workforce, and health and human services programs.

(4) Advancing academic and governmental research on improving policies from birth through career.

(d) Improve the quality and reliability of data reported, and ensure consistency of key data definitions.

(e) Identify additional data points and metrics that can be developed and integrated into the data system to support the goals of this chapter.

10853.

(a) The California Cradle-to-Career Data System Workgroup is hereby established to do both of the following:

(1) Assess and recommend data system structural components, processes, and options for expansion and enhancement of data system functionality, to be outlined in the reports required pursuant to Sections 10856 and 10857.

(2) Advise ongoing efforts to develop, administer, and enhance the data system.

(b) Meetings of the workgroup are subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

10854.

(a) (1) On or before July 15, 2019, the executive director of the state board shall designate a representative to serve on the workgroup.

(2) On or before July 15, 2019, the State Department of Education shall designate representatives, including one representative from the divisions responsible for early learning activities and educational data reporting, for a total of no more than three representatives, to serve on the workgroup.

(3) On or before July 15, 2019, the following entities shall each designate one representative to serve on the workgroup:

(A) The Office of the Chancellor of the California Community Colleges.

(B) The University of California.

(C) The California State University.

(D) The Commission on Teacher Credentialing.

(E) The executive director of the Student Aid Commission on behalf of the commission.

(F) The Employment Development Department.

(G) The Labor and Workforce Development Agency.

(H) The California Health and Human Services Agency.

(I) The State Department of Social Services.

(J) The Department of Technology.

(K) The Bureau for Private Postsecondary Education.

(4) On or before July 15, 2019, the Association of Independent California Colleges and Universities shall designate one representative to serve on the workgroup.

(5) On or before July 15, 2019, California School Information Services shall designate one representative to serve on the workgroup.

(6) Each of the entities listed in paragraphs (3) to (5), inclusive, shall also bring an appropriate data expert to consult with the workgroup.

(7) In meeting the requirements of paragraph (3), the Labor and Workforce Development Agency may designate its representative from an appropriate

department overseen by the Labor and Workforce Development Agency, provided that it does not designate another representative from the Employment Development Department.

(8) In meeting the requirements of paragraph (3), the California Health and Human Services Agency may designate its representative from an appropriate department overseen by the California Health and Human Services Agency, provided that it does not designate another representative from the State Department of Social Services.

(b) Each entity with a representative serving on the workgroup pursuant to subdivision (a) other than the University of California shall, and the University of California is requested to, collaborate with its respective constituents and represent its field and stakeholders in performing workgroup functions. For purposes of this subdivision, constituents and stakeholders may include, but are not limited to, potential end users of the data system and individuals impacted by the programs or services about which data may be collected within the data system.

(c) Once established, the workgroup shall adopt, with the approval of the director, conflict-of-interest guidelines that prohibit a member from advocating for an expenditure or recommendation in which the member has a professional or economic interest.

10855.

(a) The director shall lead the workgroup.

(b) The Office of Planning and Research shall contract with planning facilitators to perform all of the following duties:

(1) Provide facilitation and staff support to the workgroup.

(2) Conduct research and gather relevant information for consideration by the workgroup in fulfilling its responsibilities pursuant to paragraph (1) of subdivision (a) of Section 10853.

(3) Produce the reports required pursuant to Sections 10856 and 10857.

(4) Support the partner entities in advancing the purposes of this chapter, including, but not limited to, by assisting the partner entities to complete the activities specified in Section 10858.

(c) For purposes of subdivision (b), the Office of Planning and Research may enter into exclusive or nonexclusive contracts with planning facilitators on a bid or negotiated basis. A contract entered into or amended pursuant to subdivision (b) shall be exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, and Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and shall be exempt from the review or approval of any division of the Department of General Services.

(d) Notwithstanding any other law, a planning facilitator may subcontract as necessary in the performance of its duties, subject to approval of the director.

(e) The Office of Planning and Research shall report to the Department of Finance and relevant subcommittees of the Legislature on awarded

contracts described in this section within 30 days of awarding any contract. The report shall include information about funding amounts provided to contractors and subcontractors.

(f) (1) A planning facilitator that contracts with the Office of Planning and Research pursuant to subdivision (b) shall, in consultation with the director, convene one or more advisory groups to obtain additional input from potential end users of the data system and other interested stakeholders and to inform the planning facilitator's work in fulfilling its responsibilities pursuant to subdivision (b).

(2) At a minimum, the advisory groups convened pursuant to paragraph (1) shall be comprised of representatives of students, parents, labor, business and industry, equity and social justice organizations, researchers, privacy experts, early education experts, school districts, charter schools, and county offices of education, as selected by the director within 60 days of contracting with the planning facilitator.

(3) In selecting the membership of the advisory groups, the director is encouraged to seek representation broadly reflective of the state's population.

(4) The planning facilitator shall initially meet with the advisory groups within 30 days of the director selecting its membership, and then at least once every quarter, and, if approved by the director, within 15 days upon request of a majority of the advisory group.

10856.

(a) A planning facilitator that contracts with the Office of Planning and Research pursuant to subdivision (b) of Section 10855 shall report to the Department of Finance and the Legislature by July 1, 2020, on the proposed structure of the data system, including, but not limited to, the entity charged with managing the data system, the architecture of the data system, and the information that will be available on the data system.

(b) At a minimum, the workgroup shall examine how the data system could have the capacity to do both of the following:

(1) Disaggregate data by race, ethnicity, region, gender, military status, parents' education, and age.

(2) Transfer high school pupil educational records to postsecondary educational institutions.

(c) At a minimum, the workgroup shall examine how the data system could inform policy relating to all of the following:

(1) Impact of early education on student success and achievement as a student progresses through education segments and the workforce.

(2) Long-term effect of state intervention programs and targeted resource allocations in primary education.

(3) How prepared high school pupils are to succeed in college.

(4) How long it takes students who transfer from community college to the University of California, the California State University, or another four-year postsecondary educational institution to graduate with a baccalaureate degree.

(5) College access, completion, and long-term effects of access to state financial aid.

(6) Workforce effect of graduation from high school, community college, and four-year postsecondary educational institutions.

(d) It is the intent of the Legislature that the workgroup review and build upon prior reports, including those produced pursuant to Senate Bill 1298 of the 2007-08 Regular Session (Chapter 561 of the Statutes of 2008), and review and build upon existing data systems and best practices, as appropriate and relevant.

(e) For purposes of this section, the workgroup shall not be required to reach a consensus as a condition of having a specified recommendation included in the report.

(f) The report submitted to the Legislature pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

10857.

(a) A planning facilitator that contracts with the Office of Planning and Research pursuant to subdivision (b) of Section 10855 shall report to the Department of Finance and the Legislature by January 1, 2021, its recommendations on all of the following:

(1) How access to data will be controlled and authorized.

(2) A means of developing common data definitions.

(3) Additional data elements necessary for partner entities to collect for future linkage to the data system.

(4) Any specific changes to state law that may be necessary for implementation.

(5) Plans for training and support of users.

(6) How users will be able to access the data system.

(7) How authorized users will enter and correct data.

(8) How to ensure data quality from each component of the education system and participating entities.

(9) How to address security and data privacy considerations, including compliance with existing state and federal data privacy and use laws, and standard elements that will be included in agreements necessary to share data among partner entities.

(10) How to connect data in a manner that limits the number of memoranda of understanding necessary and maximizes efficiencies.

(11) How to respond to requests from researchers to access data.

(12) How the data system should be expanded to incorporate childcare, early education, workforce, financial aid, and health and human services data.

(13) An implementation timeline, including key project milestones and sequencing for functionality expansions and enhancements.

(14) The estimated fiscal impact of developing the data system and the cost of recommended expansions and enhancements, including the ongoing management costs.

(15) A prioritization of key components needed to best enhance and expand the data system if available funding is insufficient to address all desirable elements.

(16) How to create a public-facing interface to share information with the public that can help inform decisions.

(17) How to identify and track students who do not have a preexisting statewide student identifier from the State Department of Education.

(b) (1) To the extent practicable, the workgroup shall prioritize the implementation of the data system in the following order:

(A) Phase 1: K-12 and higher education.

(B) Phase 2: Workforce.

(C) Phase 3: Early care and education.

(D) Phase 4: Health and human services, and other data connections.

(2) Paragraph (1) does not preclude the workgroup from recommending an alternative implementation order, provided there is sufficient justification included in the report.

(c) A planning facilitator that contracts with the Office of Planning and Research pursuant to subdivision (b) of Section 10855 shall report to the Department of Finance and the Legislature on its progress in preparing the recommendations described in subdivision (a) by October 1, 2020.

(d) For purposes of this section, the workgroup shall not be required to reach a consensus as a condition of having a specified recommendation included in the report.

(e) The reports submitted to the Legislature pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

10858.

(a) The partner entities shall, and the University of California is requested to, enter into memoranda of understanding for data sharing purposes, as necessary, for the implementation of this chapter.

(b) (1) By the 2020-21 academic year, the Office of the Chancellor of the California State University and the Office of the Chancellor of the California Community Colleges shall, and the University of California is requested to, identify and track currently and newly enrolled students in their respective data systems with the statewide student identifier assigned to pupils in the data system maintained by the department for each student who attended a local educational agency in California in a manner that maximizes efficiencies and limits the need for multiple memoranda of understanding.

(2) To the extent feasible, the Office of the Chancellor of the California State University and the Office of the Chancellor of the California Community Colleges shall, and the University of California is requested to, prospectively identify and track each applicant for admission in their respective data systems with the statewide student identifier assigned to pupils in the data system maintained by the department for each applicant for admission who attended a local educational agency in California in a manner that maximizes efficiencies and limits the need for multiple memoranda of understanding.

(c) For purposes of subdivision (b), the department shall collaborate with the Office of the Chancellor of the California Community Colleges, the Office of the Chancellor of the California State University, and the University of California to ensure the appropriate assignment and match of a statewide student identifier from the data system maintained by the department.

10859.

The sum of ten million dollars (\$10,000,000) is hereby appropriated from the General Fund in the 2019–20 fiscal year to the Office of Planning and Research on a one-time basis, available for encumbrance and expenditure through the 2021–22 fiscal year, subject to all of the following:

(a) Two million dollars (\$2,000,000) for the Office of Planning and Research to contract with planning facilitators pursuant to Section 10855.

(b) Two million dollars (\$2,000,000) to be allocated as follows:

(1) Five hundred thousand dollars (\$500,000) to be retained by the Office of Planning and Research to lead the workgroup established pursuant to Section 10853 and perform other administrative functions to implement this chapter.

(2) (A) One million three hundred thousand dollars (\$1,300,000) for the Office of Planning and Research to allocate one hundred thousand dollars (\$100,000) to each of the state entities identified in paragraphs (1) to (3), inclusive, of subdivision (a) of Section 10854 for workgroup and planning activities.

(B) Upon order of the Director of Finance, the funds in subparagraph (A) shall be provided to the state entities identified in paragraphs (1) through (3), inclusive, of subdivision (a) of Section 10854.

(3) Two hundred thousand dollars (\$200,000) for the Office of Planning and Research to provide one hundred thousand dollars (\$100,000) to each of the entities identified in paragraphs (4) and (5) of subdivision (a) of Section 10854 for workgroup and planning activities.

(c) (1) Three hundred thousand dollars (\$300,000) for the Office of Planning and Research, to be transferred as follows:

(A) Upon order of the Director of Finance, one hundred thousand dollars (\$100,000) to the California Community Colleges, contingent upon submission of an expenditure plan to the Department of Finance and notification to the Joint Legislative Budget Committee.

(B) Upon order of the Director of Finance, one hundred thousand dollars (\$100,000) to the California State University, contingent upon submission of an expenditure plan to the Department of Finance and notification to the Joint Legislative Budget Committee.

(C) Upon order of the Director of Finance, one hundred thousand dollars (\$100,000) to the University of California, contingent upon submission of an expenditure plan to the Department of Finance and notification to the Joint Legislative Budget Committee.

(2) The funds provided in paragraph (1) shall be available to implement statewide student identifiers pursuant to Section 10858.

(d) The remaining funds shall only be released to the Office of Planning and Research with the approval of an expenditure plan by the Department of Finance and notification to the Joint Legislative Budget Committee based upon reporting from the planning facilitators pursuant to Sections 10856 and 10857.